

AMENDED IN ASSEMBLY AUGUST 30, 2014

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY MAY 19, 2014

AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 13, 2014

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AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

## SENATE BILL

**No. 792**

**Introduced by Senator ~~DeSaulnier~~ Padilla**

*(Principal coauthor: Assembly Member John A. Pérez)*

February 22, 2013

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An act to ~~amend Section 101 of, and to add Section 101.13 to, the Streets and Highways Code, relating to transportation~~ *add Section 7109.5 to the Public Contract Code, relating to administrative regulations.*

### LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, ~~DeSaulnier Padilla. State highway system: naming or designation of state highway segments or structures.~~ *Administrative regulations: corrosion prevention and mitigation projects.*

*(1) Existing law contains various provisions relating to contracts by a public entity for the performance of public works of improvement,*

*including provisions for the payment of progress payments and the disbursing and withholding of retention proceeds.*

*This bill would require a public entity that awards a contract for construction, alteration, demolition, installation, repair, or maintenance work after January 1, 2017, that is paid for in whole or in part with state funds, to require contractors and subcontractors performing corrosion prevention and mitigation work to comply with specified standards to be adopted by the Director of the Department of Industrial Relations in consultation with the Department of Toxic Substances Control. The bill would also exempt work on sheet metal and ventilation systems and plumbing and piping systems, and precast concrete work that is performed off site, when the work is performed by specified persons, from the standards adopted under these provisions.*

*(2) Because this bill would require local entities to comply with additional contracting regulations for these projects, it would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law authorizes the Department of Transportation to expend reasonable sums for the placement of name plaques at the boundaries of certain districts or on state highway bridges if the Legislature, by concurrent resolution, so requests. Existing law designates names for certain state highway segments.~~

~~This bill would delete the above-referenced provisions relating to placement of name plaques by the department pursuant to a concurrent resolution of the Legislature. This bill would enact new provisions requiring the department to erect appropriate signs, plaques, or markers naming or designating a specified state highway segment or structure in honor of a person or entity if a member of the Legislature, as specified, requests the naming or designation in writing, the department receives sufficient funds from nonstate sources to cover the costs of reviewing the request and erecting the appropriate signs, plaques, or markers, as determined by the department, and other conditions are satisfied.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*
- 3     (a) *California's water and transportation infrastructure needs*  
4 *will continue to increase dramatically. The cost of maintaining*  
5 *the health and well-being of California and Californians is directly*  
6 *linked to the safety of its water pipelines and storage tanks, bridges,*  
7 *roads, and industry. Ensuring this depends primarily on two*  
8 *factors: (1) the performance of proper, timely preventive*  
9 *maintenance by certified workers and (2) the extent and severity*  
10 *of structural corrosion or other deterioration.*
- 11     (b) *According to a 2012 American Society of Civil Engineers*  
12 *study, in the "1950s and 1960s, California spent 20 cents of every*  
13 *dollar on capital projects. By the 1980s, that figure dropped to*  
14 *less than five cents on the dollar. Current estimates put*  
15 *infrastructure investment at around a penny on the dollar."*  
16 *Currently, 2,978 of the 24,812 bridges in California (12 percent)*  
17 *are considered structurally deficient and roughly 8,000 of them*  
18 *are older than the recommended 50-year lifespan. Additionally,*  
19 *corrosion was found to be at a critical level on the suspension*  
20 *span of the new \$6.5 billion San Francisco-Oakland Bay Bridge.*
- 21     (c) *As California prepares for more than \$7 billion in*  
22 *investments in the state's water infrastructure, preventative*  
23 *measures like corrosion prevention applications should be a part*  
24 *of all new construction, retrofitting, and maintenance work. This*  
25 *protects against deterioration of the infrastructure itself, as well*  
26 *as environmental degradation from leakage, breaks, or release of*  
27 *toxic materials. When steel corrodes, heavy metals are released*  
28 *into storage tanks, pipelines, or other structures, which is*  
29 *hazardous in the case of drinking water.*
- 30     (d) *Corrosion prevention work is necessary for long-term*  
31 *environmental protection. When a coating is properly applied, it*  
32 *can last 10 to 20 years, depending on the product. When applied*  
33 *incorrectly, repairs are necessary within 1 to 3 years, requiring*  
34 *untold costs. Each time the structure surfacing needs to be*  
35 *repaired, the existing coating must be removed. When this removal*

1 *is not conducted by a competent workforce, the surrounding*  
2 *environment can be exposed to lead or hazardous materials*  
3 *contamination.*

4 *(e) The Society for Protective Coatings (SSPC) states that 80*  
5 *percent of coating failures are due to human error. Whether it be*  
6 *from improper surface preparation, improper coating selection,*  
7 *improper applications, improper drying, curing, or overcoating,*  
8 *a certified professional can help prevent these failures. When*  
9 *certified by an independent 3rd party, such as NACE or SSPC,*  
10 *there is assurance that experienced professionals will complete*  
11 *the project on time and according to the industry specifications.*

12 *SEC. 2. Section 7109.5 is added to the Public Contract Code,*  
13 *to read:*

14 *7109.5. (a) A public entity, as defined in Section 7200, that*  
15 *awards a contract for construction, alteration, demolition,*  
16 *installation, repair, or maintenance work after January 1, 2017,*  
17 *that is paid for in whole or in part with state funds shall require*  
18 *all contractors and subcontractors performing corrosion*  
19 *prevention and mitigation work to comply with the standards*  
20 *adopted pursuant to this section.*

21 *(b) Contractors and subcontractors performing contracts for*  
22 *construction, alteration, demolition, installation, repair, or*  
23 *maintenance work awarded after January 1, 2017, that are paid*  
24 *for in whole or in part with state funds shall, when performing*  
25 *corrosion prevention and mitigation work, comply with the*  
26 *standards adopted pursuant to this section.*

27 *(c) On or before January 1, 2016, the Director of the*  
28 *Department of Industrial Relations in consultation with the*  
29 *Department of Toxic Substances Control, shall adopt regulations*  
30 *establishing standards for the performance of corrosion prevention*  
31 *and mitigation work on public projects that reflect industry best*  
32 *practices. Such industry best practices shall include, but are not*  
33 *limited to, all of the following:*

34 *(1) Use of trained and certified personnel for surface*  
35 *preparation and application of protective coatings and linings to*  
36 *steel and concrete surfaces.*

37 *(2) Use of inspectors to ensure best practices and standards*  
38 *are met.*

1     (3) *A plan to prevent environmental degradation, including, but*  
2 *not limited to, careful handling and containment of hazardous*  
3 *materials such as lead paint.*

4     (d) *For purposes of this section:*

5     (1) *“Trained and certified personnel” means both of the*  
6 *following:*

7     (A) *To the maximum extent feasible, workers performing surface*  
8 *preparation and application of protective coatings and linings to*  
9 *steel and concrete surfaces who are classified as journey-level*  
10 *workers shall be certified by an organization generally accepted*  
11 *in the industry as meeting the NACE 13/ACS 1 standard or a*  
12 *similar standard that is generally accepted in the industry.*

13     (B) *Workers performing surface preparation and application*  
14 *of protective coatings and linings to steel and concrete surfaces*  
15 *who are classified as apprentices shall be registered in an*  
16 *industrial apprenticeship program approved by the Division of*  
17 *Apprenticeship Standards that provides training to meet the NACE*  
18 *13/ACS 1 standard or a similar standard that is generally accepted*  
19 *by the industry.*

20     (2) *“NACE 13/ACS 1 standard” means the Society for Protective*  
21 *Coatings/NACE International standard for an industrial coating*  
22 *and lining application specialist.*

23     (e) *The standards adopted pursuant to this chapter shall not*  
24 *apply to work on sheet metal and ventilation systems or on*  
25 *plumbing and piping systems or to precast concrete work that is*  
26 *performed offsite when the work on these systems or precast*  
27 *concrete work is performed by either:*

28     (1) *Skilled journey persons who are graduates of an*  
29 *apprenticeship program for the applicable occupation that was*  
30 *either approved by the Chief of the Division of Apprenticeship*  
31 *Standards pursuant to Section 3075 of the Labor Code or located*  
32 *outside California and approved for federal purposes pursuant to*  
33 *the apprenticeship regulations adopted by the federal Secretary*  
34 *of Labor.*

35     (2) *Apprentices registered in an apprenticeship program for*  
36 *the applicable occupation that was approved by the Chief of the*  
37 *Division of Apprenticeship Standards pursuant to Section 3075 of*  
38 *the Labor Code.*

39     SEC. 3. *If the Commission on State Mandates determines that*  
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*  
2 *pursuant to Part 7 (commencing with Section 17500) of Division*  
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. Section 101 of the Streets and Highways Code~~  
5 ~~is amended to read:~~

6 ~~101. The department shall keep in repair all objects or markers~~  
7 ~~adjacent to a state highway that have been erected to mark~~  
8 ~~registered historical places and shall keep those markers free from~~  
9 ~~vegetation that may obscure them from view.~~

10 ~~SEC. 2. Section 101.13 is added to the Streets and Highways~~  
11 ~~Code, to read:~~

12 ~~101.13. (a) Consistent with the signing requirements for the~~  
13 ~~state highway system, the department shall erect appropriate signs,~~  
14 ~~plaques, or markers naming or designating specified segments of~~  
15 ~~the state highway system or highway structures in honor of a person~~  
16 ~~or entity if all of the following conditions are met:~~

17 ~~(1) The naming or designation is requested in writing by a~~  
18 ~~member of the Legislature who represents the legislative district~~  
19 ~~in which the highway segment or structure is located.~~

20 ~~(2) (A) The request identifies the specific highway segment or~~  
21 ~~structure to be named or designated.~~

22 ~~(B) If a highway segment is to be named or designated for one~~  
23 ~~or more individuals, it shall not exceed five miles in length.~~

24 ~~(3) The individual or individuals for whom a highway segment~~  
25 ~~or structure is to be named or designated shall be deceased.~~

26 ~~(4) The request indicates, in the case of an individual or entity~~  
27 ~~being honored, that the individual or entity has provided~~  
28 ~~extraordinary public service or some exemplary contribution to~~  
29 ~~the public good, and has a connection to the community in which~~  
30 ~~the highway segment or structure is located.~~

31 ~~(5) The proposed naming or designation does not supersede any~~  
32 ~~existing naming or designation, unless the request is able to~~  
33 ~~document that there is no opposition to rescinding the existing~~  
34 ~~naming or designation from the party or parties that requested the~~  
35 ~~original naming or designation.~~

36 ~~(6) The department has received sufficient funds from nonstate~~  
37 ~~sources to cover the costs, as determined by the department, of~~  
38 ~~reviewing the request and erecting the appropriate signs, plaques,~~  
39 ~~or markers.~~

1     ~~(7) The naming or designation meets any other conditions~~  
2     ~~established by the department.~~  
3     ~~(b) Any sign, plaque, or marker installed by the department~~  
4     ~~shall remain until it has been destroyed or the department~~  
5     ~~determines that it has deteriorated to the point that it is no longer~~  
6     ~~serviceable or until the designation of the affected highway~~  
7     ~~segment or structure is overridden by a subsequent naming or~~  
8     ~~designation, whichever occurs first. A sign, plaque, or marker that~~  
9     ~~is destroyed or becomes unserviceable may be replaced by the~~  
10    ~~department upon the receipt by the department of sufficient funds~~  
11    ~~from nonstate sources.~~